IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO.1023 OF 2003
IN
APPEAL NO.262 OF 2000
IN
ARBITRATION PETITION NO.290 OF 1999

Shilpa Shares & Securities — Appellant
vs.
Rajesh Upadhyay & ors. — Respondents

Mr.M.D.Angal for the appellant-applicant in support.

None for the respondent.

CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED : 27th January 2006

P.C.

Heard Mr.M.D.Angal, the learned counsel for the appellant. Nobody appears for the respondent despite service.

2. By the order dated 21.2.2000, the appeal came to be dismissed for want of removal of office objection.

3. By the notice of motion taken out for setting aside the order dated 21.2.2000, after more than three years, the delay is sought to be explained by stating that there was bonafide belief that the objection was removed and in due course the appeal would come up for admission and when it was found that the appeal has not appeared

for admission, the inspection of the record was taken and immediately thereafter the notice of motion has been taken out.

4. We are afraid, the affidavit does not set out sufficient cause for condonation of delay. Rather, it reflects gross negligence on the part of the appellant in pursuing the appeal.

5. Notice of motion is dismissed.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)